

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: GRANULATED SUGAR
ANTITRUST LITIGATION

Case No. 24-md-03110 (JWB/DTS)

This Document Relates To:
All Actions

**ADAM J. ZAPALA AND COTCHETT, PITRE & McCARTHY, LLP.'S
APPLICATION TO SERVE ON PLAINTIFFS' STEERING COMMITTEE
PURSUANT TO PRETRIAL ORDER NO. 3**

Pursuant to the Court's September 18, 2024 Pretrial Order No. 3 (ECF No. 193) ("PTO No. 3"), **Adam J. Zapala** of Cotchett, Pitre & McCarthy, LLP respectfully submits this application for the Court's consideration to serve on the Plaintiffs' Steering Committee ("PSC") for himself and his law firm on behalf of the Direct Purchaser Plaintiffs ("DPPs").¹

In considering applications to serve on the PSC, this Court stated the "main criteria will be willingness and availability to commit to a time-consuming project, ability to work cooperatively with others, and professional experience in this type of litigation" along with "any other relevant matters." *Id.* at 1.B.ii. Given this Court's clearly stated criteria, Mr. Zapala (along the attorneys and staff at Cotchett, Pitre & McCarthy, LLP) possesses the characteristics that would make him a valuable and indispensable member of the PSC.

First, Mr. Zapala has served as lead counsel or in other court-appointed leadership positions in some of the largest and most complex litigation matters in the United States and has obtained outstanding results. Such matters include but are not limited to:

- *In re Auto. Parts Antitrust Litig.*, No. 12-md-02311-SFC (E.D. Mich.) (serving as co-lead counsel for the end-payor plaintiffs and recovering over \$1.2 billion in one of the largest and most complex private antitrust cases ever);

¹ Mr. Zapala and Cotchett, Pitre & McCarthy, LLP were originally proposed to be on the PSC for the Direct Purchaser Plaintiffs, along with Gustafson Gluek PLLC and the Roberts Law Firm US, PC as lead counsel. That application also sought appointment of Kohn Swift & Graf, P.C.; DiCello Levitt LLP; Hausfeld LLP; NastLaw LLC; Cotchett, Pitre & McCarthy, LLP; BoiesBattin LLP; and Nussbaum Law Group, P.C. to the PSC. *See*, ECF No. 22. For the DPP case, CPM continues to support such a structure. In the event that the Court believes a PSC of a more modest size (*i.e.*, no more than two representatives of each of the three proposed classes) is optimal, Mr. Zapala would support Daniel E. Gustafson and Michael L. Roberts to represent DPPs on the PSC, provided that does not inhibit CPM's ability to continue to contribute to the prosecution of the DPPs' case (as they have starting with the investigation and framing of the initial complaint), at the direction of the DPP's PSC representatives and as they may determine appropriate.

- *In re Cattle and Beef Antitrust Litig. (All Direct Purchaser Plaintiff Actions)*, No. 0:20-cv-01319-JRT (D. Minn.) (serving as court-appointed co-lead counsel for the direct purchaser plaintiffs and recovering \$52.5 million to date);
- *In re Broiler Chicken Antitrust Litig. (Commercial and Institutional Indirect Purchaser Actions)*, No. 16-cv-08637-TMD (N.D. Ill.) (serving as court-appointed co-lead counsel for the commercial and institutional indirect purchasers and recovering approximately \$140 million for the class);
- *In re Lithium-ion Batteries Antitrust Litig.*, No. 13-md-02420-YGR (N.D. Cal.) (serving as co-lead counsel for the indirect purchasers and recovering over \$100 million);
- *Precision Assocs., Inc., et al., v. Panalpina World Transp. (Holding) Ltd. (In re Freight Forwarders Antitrust Litig.)*, No. 08-cv-00042-JG-VVP (serving as court-appointed co-lead counsel for plaintiffs and recovering over \$400 million); and
- *In re Transpacific Passenger Air Transp. Antitrust Litig.*, No. 07-cv-05634-CRB (N.D. Cal.) (serving as court-appointed co-lead counsel for plaintiffs and recovering over \$140 million).

Mr. Zapala is known for his deep understanding of antitrust law and class action practice and procedure as well as his skillful work with economic and industry experts. Mr. Zapala has recognized expertise in handling complex economic issues in antitrust cases, both as to class certification and on the merits. He closely works with econometricians in each case he oversees, including the ones referenced above.

Second, Mr. Zapala excels at working cooperatively with others. As just one example, in *In re Broiler Chicken Antitrust Litigation*, Mr. Zapala effectively coordinated with multiple plaintiff groups, their various experts, and the Antitrust Division of the U.S. Department of Justice. He also worked with scores of defendants on various pretrial orders, negotiating litigation and trial schedules, and ultimately reaching settlements with all the defendants. In *Broilers*, Adam Zapala and CPM were co-lead counsel, along with

Gustafson Gluek PLLC. Mr. Zapala and CPM have a long and successful history of working together with Daniel Gustafson and the Gustafson Gluek law firm. CPM and Gustafson Gluek have collaborated in at least, *Broilers*, *Precision Associates*, *Beef*, and *Auto Parts*, amongst a number of other cases not listed herein. Mr. Zapala and the attorneys at CPM have worked as lead counsel or on steering committees with each of the DPP law firms originally proposed to be on the PSC, and have excellent relationships with each of those firms and other firms representing other classes of plaintiffs.

Third, Mr. Zapala and Cotchett, Pitre & McCarthy, LLP will commit significant time and resources to this important litigation. Mr. Zapala's partners, **Elizabeth T. Castillo** and **Karin B. Swope** bring diversity and extensive experience to the table in supporting this litigation, along with several associates and staff that will support them in this litigation. Mr. Zapala's and CPM's willingness to commit the time and resources necessary to effectively prosecute matters is demonstrated by his and the firm's work in *In re Cattle and Beef Antitrust Litigation*, which is pending in this District and in which Mr. Zapala serves as co-lead counsel for the direct purchaser plaintiffs.

Finally, the Court may consider "other relevant matters" in appointing members to the PSC. Mr. Zapala is committed to work that advances social justice. He currently serves on the board of Public Justice, the Justice and Diversity Center of the Bar Association of San Francisco, and the Legal Aid Society of San Mateo. Mr. Zapala also previously served as a staff attorney with Bay Area Legal Aid, where he focused on representing indigent clients in a wide variety of civil litigation matters. Mr. Zapala has repeatedly been recognized by the *Daily Journal* as one of the top antitrust lawyers in California.

Dated: September 30, 2024

Respectfully submitted,

/s/ Adam J. Zapala

Adam J. Zapala

COTCHETT, PITRE & McCARTHY, LLP

840 Malcolm Road

Burlingame, CA 94010

Telephone: (650) 697-6000

Facsimile: (650) 697-0577

azapala@cpmlegal.com

***Counsel for Plaintiffs and Applicant to Serve
on Plaintiffs' Steering Committee***